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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/773,953 | 02/06/2004 | Stan Routt | ROUTTRUBIO-1 | 7328 |
| 7590 | 09/22/2005 | | EXAMINER | |
| Curtis L. Harrington Suite 250 6300 State University Drive Long Beach, CA 90815 | | | MEISLIN, DEBRA S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3723 | |

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/773,953 | ROUTT ET AL. |
| | Examiner Debra S. Meislin | Art Unit 3723 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 July 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,7 and 8 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 7-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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1. The abstract has not been properly amended in accordance with MPEP 714 and 37 CFR 1.121:

Amendments must be made by submitting:

An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

Appropriate correction is required.

2. The amendment to the specification is incorrect. Applicant refers to "the bottom of page 11" and the paragraph which begins with "The height of the top...". The cited paragraph is actually located on page 10 of the original specification. A corrected amendment to the specification is required.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "62".

See page 11, line 24, which includes the following: "...such an angled plate 62 is centered".

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities: line 5 of page 8 and line 4 of page 14 are grammatically incorrect.

Line 5 of page 8 defines "...is provided int the insertion".

Line 4 of page 14 defines "...an un-pressurized a hub and".

Appropriate correction is required.

6. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 10-11, "hub and tire sealed pressurization" is grammatically incorrect and not understood. As best understood, "hub and tire assembly sealed pressurization" should be ---tire inflation of a hub and tire assembly--- or ---tire pressurization of a hub and tire assembly--- as defined in the instant specification.

In claims 2 and 4, lines 7-8 and lines 6-7, respectively, "said a hub engagement and stop structure" should be ---said hub engagement and stop structure---.

In lines 7-9 of claims 2-3, and lines 6-8 of claim 4, "to enable said a hub engagement and stop structure and supported hub and tire assembly to and from a horizontal position" is grammatically incorrect and not understood. As best understood, "to enable said a hub engagement...to and from a horizontal position" should be

changed to ---to enable *movement* of said hub engagement and stop structure and supported hub and tire assembly to and from a horizontal position--- or ---to enable said hub engagement and stop structure and supported hub and tire assembly to *move to* and from a horizontal position---.

7. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter **which was not described in the specification** in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, it is not clear as to the structure of the device that supports the following:

“said horizontal position is achieved by having a center of gravity of...said hub and tire assembly...to one side of a pivot axis” and

“said horizontal position is achieved by having a center of gravity of...said a hub engagement and stop structure and said hub and tire assembly...to one side of a pivot axis”.

The original specification defines an offset pivot for attachment of “the hub engagement and stop structure” to the support which appears to offset the center of gravity of the hub engagement and stop structure from the pivot when in the horizontal position. There is no disclosure defining a stable support of the horizontal position being achieved by having a center of gravity of the **hub and tire assembly** to one side of the pivot axis. There is no disclosure defining a stable support of the horizontal

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position being achieved by having a center of gravity of the hub engagement and stop structure and the hub and tire assembly to one side of the pivot axis.

Note that the recitation of the center of gravity of the workpiece (the hub and tire assembly) does not structurally limit the claimed invention since the workpiece is not a part of the claimed device and the workpiece may be of any of a variety of sizes and shapes with varying centers of gravity.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1-4 and 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roesch in view of Little or Listebarger.

Roesch discloses all of the claimed subject matter except for having an offset center of gravity. Little or Listebarger disclose a hub and tire assembly, and a hub engagement and stop structure having an offset center of gravity. It would have been obvious to one having ordinary skill in the art to form the device of Roesch with an offset center of gravity to stably support the hub engagement and stop structure in a horizontal position as taught by Little or Listebarger.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roesch in view of Little or Listebarger as applied above, in further view of Smith or Gambardella.

Smith or Gambardella disclose a hub engagement structure having at least three plate sections. It would have been obvious to one having ordinary skill in the art to form

the hub engagement structure of Roesch with at least three plate sections to support a wheel as taught by Smith or Gambardella.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

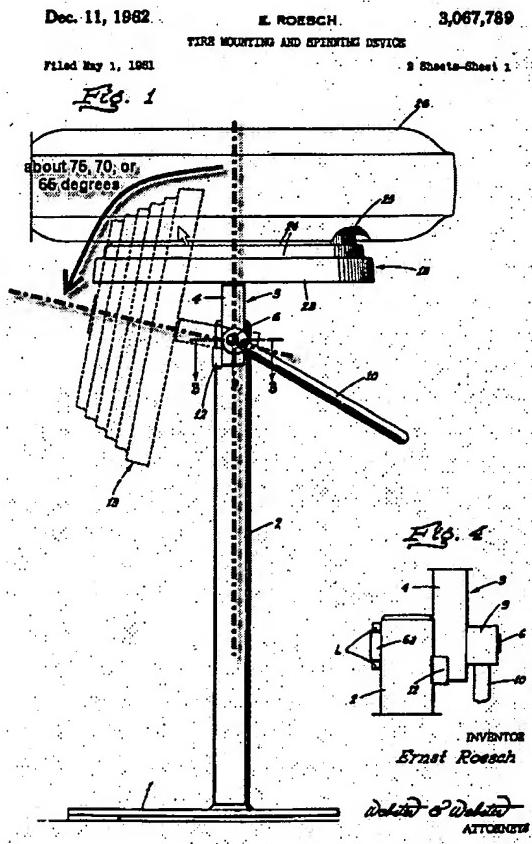
12. Applicant's arguments filed July 28, 2005 have been fully considered but they are not persuasive.

Little or Listebarger clearly disclose a hub and tire assembly and a hub engagement and stop structure having an offset center of gravity which provides stable support of the horizontal position to one side of the pivot axis of a hub engagement and stop structure in a direction to support the horizontal position.

Claim 1 define "in a position at least one of adjacent or touching the ground". Roesch discloses this limitation as broadly claimed by applicant. Note that the term "adjacent" is a relative term. A hub and tire assembly would lie adjacent the ground when in the tilted position. Note that the relative closeness to the ground would also be dependent upon the width/size of the hub and tire.

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With respect to claims 2-4, Roesch discloses an angle of pivot of about 75, 70, or 60 degrees as shown in figure 1, below.



13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S. Meislin
Primary Examiner
Art Unit 3723

September 20, 2005